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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMPUTER SCIENCES CORPORATION,

Plaintiff,

-against-

ENDURANCE RISK SOLUTIONS ASSURANCE CO.,
HOMELAND INSURANCE COMPANY OF NEW YORK,
ASPEN INSURANCE UK LIMITED, ASPEN INSURANCE
LIMITED FOR AND ON BEHALF OF LLOYD'S
UNDERWRITER SYNDICATE NO. 4711, ASPEN
UNDERWRITER LIMITED FOR AND ON BEHALF OF
LLOYD'S UNDERWRITER SYNDICATE, ASPEN
MANAGING AGENCY LIMITED FOR AND ON BEHALF
OF LLOYD'S UNDERWRITER SYNDICATION NO. 4711,
and LLOYD'S UNDERWRITER SYNDICATE NO. 4711,

Defendants.

1:20-cv-01580-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Defendant Endurance Risk Solutions Assurance Co. filed a request for a pre-motion conference on its anticipated motion to enforce a purported settlement agreement between Defendant Endurance and Plaintiff. [ECF No. 66]. Plaintiff has responded and represents that it intends to oppose this motion. [ECF No. 72]. Both parties also request the Court to seal their letter requests on the ground that they contain information regarding confidential settlement negotiations. [ECF Nos. 65, 71].

Defendant Endurance represents that it reached a settlement agreement with Plaintiff in April 2021 by email, but that after this Court denied the motion of Defendants to dismiss this case, Plaintiff now refuses to honor the agreement. [ECF No. 66, at 2]. As such, Defendant Endurance now seeks leave to file a motion to enforce the settlement agreement. Defendant Endurance does not explain why it waited until December 2021, nearly *eight months* after the settlement agreement was purportedly reached, to raise this issue with the Court.

After reviewing the arguments set out in the parties' submissions, the motion for a pre-motion conference is DENIED, and Defendant Endurance is GRANTED leave to file a motion to enforce a settlement agreement on the schedule set forth below.

IT IS HEREBY ORDERED that Defendant Endurance must file its motion to enforce a settlement agreement on or before February 8, 2022. Plaintiff's opposition to Defendant's motion is due on or before March 1, 2022. Defendant's reply is due March 11, 2022.

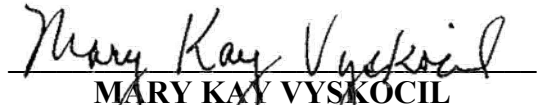
IT IS FURTHER ORDERED that the parties' requests to seal their pre-motion letters is GRANTED.

Defendant Endurance also requests that the Court allow it "to brief this issue before it is forced to participate in discovery and motion practice with respect to the remainder of this case." [ECF No. 66, at 3]. However, as discussed, Defendant Endurance did not notify this Court of its purported settlement until eight months after it claims the agreement was reached. As such, the Court will not further delay discovery while the parties litigate the issue. Defendant Endurance's request to stay discovery pending the resolution of its contemplated motion is DENIED.

The Clerk of Court is respectfully requested to close docket entries 65, 66, 71, and 72.

SO ORDERED.

**Date: January 18, 2022
New York, NY**


MARY KAY VYSKOCIL
United States District Judge